

ENTERED

July 21, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CARLOS MARTINEZ,

Plaintiff,

VS.

SPACE EXPLORATION

TECHNOLOGIES CORP. a/k/a SPACEX,

Defendant.

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CIVIL ACTION NO. 7:22-cv-00208

ORDER

The Court now considers its order dated July 6, 2022.¹ Therein, the Court, considering the removal in this case, ordered Plaintiff to file notice informing the Court where the events alleged in his original state court petition occurred, or otherwise inform the Court why venue is proper in the McAllen Division of the United States District Court for the Southern District of Texas and not the Brownsville Division, no later than July 13, 2022.²

That deadline has now come to pass and Plaintiff has yet to file any such notice. Under 28 U.S.C. § 1391(b)(2), “[a] civil action may be brought in a *judicial district* in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.”³ “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”⁴

¹ Dkt. No. 3.

² *Id.*

³ 28 U.S.C. § 1391(b)(2) (emphasis added).

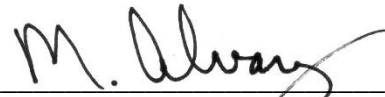
⁴ 28 U.S.C. § 1406(a).

Due to Plaintiff's failure to file notice informing the Court where the events alleged in his original state court petition occurred, or otherwise inform the Court why venue is proper in the McAllen Division, the Court sua sponte recognizes that it is not the proper venue for Plaintiff's action. As noted in the Court's prior order, as far as this Court is aware, the SpaceX facility in south Texas, also known as "Starbase," is located in Cameron County, Texas. Additionally, Plaintiff asserts that he is "an Individual who resides in Cameron County, Texas."⁵ Therefore, this case is within the jurisdiction of the Brownsville Division of the United States District Court for the Southern District of Texas.⁶

Accordingly, in the interest of justice, this Court **TRANSFERS** this case to the Brownsville Division of the Southern District of Texas. The Court **CANCELS** the initial pretrial conference previously scheduled for August 16, 2022.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 21st day of July 2022.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁵ Dkt. No. 3.

⁶ 28 U.S.C. § 124(b)(5).